

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL DUTCHER,

Plaintiff,

vs.

TREVOR FOLEY, *et al.*,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:24-cv-01257-MTS

MEMORANDUM AND ORDER

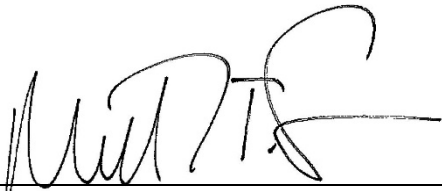
After receiving Plaintiff's Notice of Appeal, this Court assessed the \$605 appellate filing fee. *See* Doc. [53]; *see also Henderson v. Norris*, 129 F.3d 481, 485 (8th Cir. 1997) ("When a district court receives a prisoner's notice of appeal in a prisoner's civil action, it shall assess the . . . appellate filing fees and process the appeal in ordinary course."). The Court also instructed Plaintiff to file an Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis and a certified copy of his trust fund account statement for the 6-month period immediately preceding the filing of the notice of appeal. *See* 28 U.S.C. § 1915(a)(2). Since that instruction, the Court has determined that Plaintiff Michael Dutcher has, while incarcerated, brought three or more civil actions in federal court that were dismissed for failure to state a claim upon which relief may be granted. *See Dutcher v. Precythe*, 4:23-cv-01553-SEP, ECF No. 33 (E.D. Mo. Sept. 30, 2024) (collecting cases); *see also* 28 U.S.C. § 1915(e)(2)(B)(ii). Therefore, Plaintiff Michael Dutcher may not proceed on appeal *in forma pauperis* in this matter. *Id.* § 1915(g); *see also Gonzalez v. United States*, 23 F.4th 788, 789 (8th Cir.), *cert. denied*, 142 S. Ct. 2837

(2022) (“After three strikes, a litigant loses the right to sue without prepaying the filing fee.”).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to notify the U.S. Court of Appeals for the Eighth Circuit that this Court has found that Plaintiff Michael Dutcher is not entitled to proceed *in forma pauperis* in this matter. *See* Fed. R. App. P. 24(a)(B)(4).

Dated this 14th day of March 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE